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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,222	12/22/2003	Timothy J. Blenke	KCC 4932 (K-C 18,580)	7640

321 7590 10/10/2006

SENNIGER POWERS
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS, MO 63102

EXAMINER

KRUER, KEVIN R

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/743,222

Applicant(s)

BLENKE ET AL.

Examiner

Kevin R. Krueer

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42,52-68,78-94 and 104 is/are pending in the application.
- 4a) Of the above claim(s) 11,12,14,15,17-25,27-42,52-68,78,89,90,92 and 93 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10,13,16,26,79-88,91,94 and 104 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/22/06; 2/13/06</u> . | 6) <input checked="" type="checkbox"/> Other: <u>IDS 9/26/05</u> . |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 29, 2006 has been entered.

Election/Restrictions

1. Claims 11, 12, 14, 15, 17-25, 27-42, 52-68, 78, 89, 90, 92, and 93 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention/species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 27, 2005.

Information Disclosure Statement

2. The information disclosure statement filed 9/22/2006 has been fully considered. Initialed copies of said IDSs are enclosed herein.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-10, 13, 16, 26, 79-88, 91, 94, and 104 are rejected under 35 U.S.C. 102(b) as being anticipated by Zhou et al (US 2002/0123538A1).

Zhou teaches an adhesive comprising an atactic polymer having a degree of crystallinity of less than about 20% and a number average molecular weight between about 1,000 and 300,000; and an isotactic polymer having a degree of crystallinity of at least about 40% and a number-average molecular weight between about 3,000 and 200,000 (claim 1). The atactic polymer may be polypropylene (claim 18), as is the isotactic polymer (claim 21). The adhesive is melt processable at less than about 4000 degrees Fahrenheit (claim 11) and the adhesive has a melt index of about 100 to about 20000 grams per 10min (claim 14). The atactic polymer comprises about 50-90wt% atactic polymer and between about 5-50wt% isotactic polymer (claim 17). The adhesive may comprise various filler 90071) and may be used to bond polyethylene to polypropylene (paragraph 0059 and 0072).

The examiner further notes that the adhesive may be utilized to laminate absorbent articles such as those incorporated by reference in paragraph 0072. One of said references, US 5,176,668, teaches the bonding together of a polypropylene liner and a polyethylene outer film (col 7, lines 24+). A second of said incorporated references, US 5,904,672, also teaches bonding polypropylene to polyethylene (col 6, lines 9-47 and examples). Since polyethylene and polypropylene are applicant's elected species, said films are understood to read on the "dissimilar material" limitations of the pending claims.

Response to Arguments

Applicant's arguments filed August 22, 2006 have been fully considered but they are not persuasive.

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Applicant argues Zhou fails to disclose a laminated structure comprising an adhesive, a first material and a second material wherein the first and second material are dissimilar or non-bondable materials that are ultrasonically bonded together. The examiner respectfully disagrees. Zhou teaches the composition may be utilized as a composition to bond two materials together wherein the two materials may be the same or different than each other ((0059). Furthermore, the laminate incorporated by reference into Zhou teach comprise a polyethylene bonded to a polypropylene. Since said materials read on applicant's elected species of the first material and second material, the reference is understood to read on bonding "dissimilar" materials.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R. Kruer whose telephone number is 571-272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K-RK' with a stylized flourish at the end.

Kevin R. Kruer
Patent Examiner-Art Unit 1773